



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,441	11/14/2003	Amber Gravett	020375-047700US	9387

20350 7590 08/08/2007
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

FIELDS, BENJAMIN S

ART UNIT	PAPER NUMBER
----------	--------------

3609

MAIL DATE	DELIVERY MODE
-----------	---------------

08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,441

Applicant(s)

GRAVETT ET AL.

Examiner

BENJAMIN S. FIELDS

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

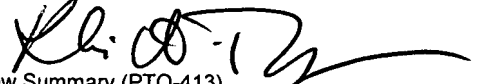
- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER



Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

Content of Specification

1. Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

The Examiner acknowledges receipt (8 March 2004) of an Amendment to the Specification document in this office. However, while this correction is noted, further action must be taken in the correction of the specification with reference to page 25, where the applicant fails to draw a clear correlation to the documents which he sites as Cross-References to Related Applications. The applicant needs to properly signify which documents refer to the cross related applications as completed previously on page 1 of the specification as mentioned supra.

Appropriate action is required.

2. In addition, the use of various trademarks has been noticed within this application. They should each be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate action is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Neofytides et al. (US PG Pub. No. 2002/0152168), [hereinafter Neofytides].

Referring to Claim 1: Neofytides shows a method for creating an open network stored account (Neofytides: Abstract) by a purchaser, the method comprising steps of: receiving a first message including a purchaser account identifier (Neofytides: Abstract; Figure 5a, Figure 11b//Neofytides teaches a system where a user must log in via usage of account information//), wherein the purchaser account identifier and other account information is entered by a purchaser with a web interface (Neofytides: Page 2, Paragraph 0025//Neofytides discusses a system where interaction amongst all parties occurs via a web [internet] interface//); processing the first message that is received with an application interface of a credit processing system (Neofytides: Page 2, Paragraph 0025; Figure 5a//Neofytides shows a credit system which communicates via an application interface through the internet//), wherein the purchaser account identifier is used to fund a stored account (Neofytides: Page 1, Paragraph 0021-0022//Neofytides discloses a stored fund value account system and method which is accessed by means of an account identifier//); returning a first message response with the application

interface wherein the first message response can be used to determining if the first message response is consistent with the other account information (Neofytides: Page 2, Paragraph 0024-0026//Neofytide shows interfaces which verify, check, and maintain consistency throughout the system//), whereby it can be determined if a purchaser account can validly fund the stored benefit account (Neofytides: Page 6, Paragraph 0071-0073//Neofytides details a system which verifies funds are available within the process in order for transaction completion//); receiving a second message with the application interface; and processing the second message (Neofytides: Figure 5// Neofytides allows multiple transaction account messages to take place across the interfaces available//), wherein: the second message includes recipient account information (Neofytides: Figure 5//Neofytides shows interfaces which contain account information//), the stored account is created with the recipient account information (Neofytides: Figure 5; Page 1, Paragraph 0021//Neofytides discloses a system for stored value fund accounts which contain account information//), the stored benefit account is backed by an account issuer, and the stored benefit account is accepted by a network of unrelated merchants who accept payments from the account issuer (Neofytides: Figures 5-6)

Referring to Claim 2: Neofytides teaches the method for creating the open network stored account comprising a step of processing formatted commands with the application interface (Neofytides: Figure 5-11//Neofytides depicts, by means of a series of flowcharts, and within disclosure, that executable commands are utilized to perform the main inventive concept//).

Referring to Claim 3: Neofytides discloses the method for creating the open network stored benefit account by the purchaser for the benefit of the recipient wherein the second message is not sent to the application interface if it is determined that the purchaser account cannot validly fund the stored benefit account (Neofytides: Figure 8// Neofytides displays system wherein checks and maintenance of sufficient funding is thoroughly completed//).

Referring to Claim 4: Neofytides teaches a method for creating the open network stored benefit account by the purchaser for the benefit of the recipient, further comprising a step of sending a stored value card to the recipient for use with the stored benefit account (Neofytides: Figure 5a//Neofytides teaches a delivery of negotiable instruments being sent (i.e. cards, etc. to the payee//)).

Referring to Claim 5: Neofytides shows a method for creating the open network stored benefit account by the purchaser for the benefit of the recipient, further comprising a step of e-mailing the recipient with notification relating to creation of the stored benefit account (Neofytides: Figure 7//Neofytides shows that creation of an account using such system involves contact via electronic mail (e-mail)//).

Referring to Claim 6: Neofytides teaches a method for creating the open network stored benefit account by the purchaser for the benefit of the recipient, wherein the stored benefit account supports both stored value payments and credit payments to the network (Neofytides: Paragraph 0004, 0020-0022// Neofytides shows various types of value and/or credit payments are utilized//).

Referring to Claim 7: Neofytides discusses a method for creating the open network stored benefit account by the purchaser, further comprising steps of: determining if the account issuer of the purchaser account is supported by the credit processing system (Neofytides: Page 1, Paragraph 0021-0023; Figure 5//Neofytides describes a method which allows a user to authenticate, establish, and utilize the system, hence, the user account must be compatible or supported by the system//); and opening the stored benefit account with an alternative credit processing system where the account issuer is determined to be unsupported by the credit processing system (Neofytides: Figures 5-6//Neofytides shows, that if the user may not be supported by the system, allowance to make such changes can be made/adjusted//).

Referring to Claim 8: Claim 8 is rejected under the same basis, as is Claim 1 as indicated supra.

Referring to Claim 9: Claim 9 is rejected under the same basis, as is Claim 2 as indicated supra.

Referring to Claim 10: Neofytides discloses a method for creating the open network stored benefit account by the payor for the benefit of the payee wherein the second message is not sent to the application interface if it is determined that the payor account cannot validly fund the stored benefit account (Neofytides: Figure 8//Neofytides displays system wherein checks and maintenance of sufficient funding is thoroughly completed//).

Referring to Claim 11: Neofytides shows a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising a

step of sending a stored value card to the payee for use with the stored benefit account (Neofytides: Figure 5a//Neofytides teaches a delivery of negotiable instruments being sent (i.e. cards, etc. to the payee//)).

Referring to Claim 12: Neofytides shows a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising a step of e-mailing the payee with notification relating to creation of the stored benefit account (Neofytides: Figure 7//Neofytides shows that creation of an account using such system involves contact via electronic mail (e-mail)//).

Referring to Claim 13: Claim 13 is rejected under the same basis, as is Claim 6 as indicated supra.

Referring to Claim 14: Neofytides teaches a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising steps of: determining if the account issuer of the payor account is supported by the credit processing system (Neofytides: Figure 5a//Neofytides displays a method wherein the user is supported by the system//); and opening the stored benefit account with an alternative credit processing system where the account issuer is determined to be unsupported by the credit processing system (Neofytides: Figure 5a//Neofytides displays a method wherein the user may not be supported by the system, and can, however, achieve access//).

Referring to Claim 15: Claim 15 is rejected under the same basis, as is Claim 1 as mentioned supra.

Referring to Claim 16: Claim 16 is rejected on the same basis, as is Claim 2 as mentioned supra.

Referring to Claim 17: Neofytides discloses a method for creating the open network stored benefit account by the payor for the benefit of the payee wherein the second message is not sent to the application interface if it is determined that the payor account cannot validly fund the stored benefit account (Neofytides: Figure 8//Neofytides displays system wherein checks and maintenance of sufficient funding is thoroughly completed – Until sufficient funding is achieved completion of the transaction can not take place//).

Referring to Claim 18: Neofytides shows a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising a step of sending a stored value card to the payee for use with the stored benefit account (Neofytides: Figure 5a//Neofytides teaches a delivery of negotiable instruments being sent (i.e. cards, etc. to the payee//)).

Referring to Claim 19: Neofytides discloses a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising a step of e-mailing the payee with notification relating to creation of the stored benefit account (Neofytides: Figure 7//Neofytides shows that creation of an account using such system involves contact via electronic mail (e-mail//)).

Referring to Claim 20: Claim 20 is rejected under the same basis, as is Claim 6 as mentioned supra.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hilt et al. (US Pat. No. 5,465,206) teach an electronic bill pay system.

Hansen et al. (US Pat. No. 7,096,205) show a system and method for enrolling consumer goods and services via an electronic bill presentment and payment system.

Blair et al. (US Pat. No. 7,103,577) disclose systems and methods for staging transactions, payments and collections of account information over a computer network.

Any inquiry concerning this communication should be directed to Benjamin S. Fields at telephone number 571.272.9734. The examiner can normally be reached Monday through Thursday, 9am to 7pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached at (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

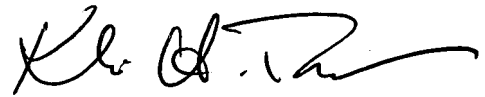
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3609

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields
25 July 2007

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Khoi H. Tran', written in a cursive style.